

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

April 11, 2014
ECO-023-E

Nos. 13-4253 & 13-4328

In Re: Merck & Co., Inc Vytarin/Zetia Securities Litigation

Frankling DeJulius,
Appellant in 13-4253

In Re: Schering-Plough corporation/Enhance Securities Litigation

Dr. Marshall J. Orloff; Orloff Family Trust DTD 12/13/01,
Appellants in 13-4328

(D.N.J. No. 2-08-cv-02177 & 2-08-cv-00397)

Present: AMBRO, JORDAN and VANASKIE, Circuit Judges

1. Motion by Appellee Stichting Pensioenfonds ABP to Dismiss Appeal.
2. Response by Appellant Franklin DeJulius to Motion to Dismiss Appeal.
3. Motion by Appellee Massachusetts Pension Reserves Investment Management Board to Dismiss Appeal.
4. Motion by Appellee Massachusetts Pension Reserves Investment Management Board to Expedite Motion to Dismiss Appeal.
5. Reply Response by Appellee Stichting Pensioenfonds ABP.

Respectfully,
Clerk/clw

ORDER

The appeal of Dr. Marshall J. Orloff and the Orloff Family Trust DTD 12/13/01, No. 13-4328, is dismissed for failure to pay the appeal bond. Appellant Franklin DeJulius, No. 13-4253, is directed to pay the appeal bond by **April 28, 2014**. Failure to pay the appeal bond by that date will result in dismissal. We recognize that a motion for reconsideration is pending before the District Court. We request that the Court expedite its consideration of the motion. Whether it reduces the amount of the appeal bond before **April 28, 2014**, DeJulius is directed to pay the amount due by that date or face dismissal.



By the Court,

Stephen J. Ambro, Circuit Judge

Dated: April 17, 2014
CLW/cc: ALL COUNSEL OF RECORD

A True Copy

Marcia M. Waldron
Marcia M. Waldron, Clerk

Certified in Lieu of Mandate
to Civil No. 2-08-00397 Only